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IN THE MATTER OF QWEST
CORPORATION'S COMPLIANCE
WITH § 271 OF THE
TELECOMMUNICATIONS ACT OF
1996.

DOCKET NO. T-00000B-97-0238

AT&T'S RESPONSE TO QWEST'S MOTION
TO STRIKE

AT&T Communications of the Mountain States, Inc. and AT&T Local Services on behalf of TCG Phoenix (collectively "AT&T") hereby submit their Response to Qwest's Motion to Strike Portions of AT&T's Post Workshop Brief on Loop, Line Splitting, NIDs and LNP ("Brief").

On July 12, 2001, Qwest filed a motion to strike portions of AT&T's Brief. Specifically Qwest seeks to strike all statements in AT&T's Brief relating to Loop Issue 4(b) and those portions of the Brief that relate to direct access to Qwest's LFACs database.

AT&T opposes Qwest's motion on several grounds. First, with respect to the discussions in the Brief that describe the commitments made by Qwest in Arizona to provide access to loops served by IDLC, AT&T's brief simply memorializes those commitments and states that, based upon those commitments, AT&T agreed to close that

issue. Access to loops served by IDLC is a critical concern for AT&T, and the commitments made by Qwest were integral to AT&T's agreement to close the record on that issue. AT&T simply wanted to ensure that the record fully and accurately reflected why this issue was closed by AT&T. No new issues or arguments were raised in this section by AT&T. Moreover, AT&T has made these same statements in briefs filed in the Multistate and Colorado, and Qwest has not moved to strike the same statements from those briefs. Accordingly, there is no basis to strike such discussions from the Arizona Brief.

Second, Qwest asserts that all portions of the Brief that discuss direct access to Qwest's LFACs database should be stricken because AT&T failed to raise the issue in the Arizona workshop. As Qwest acknowledges, AT&T has raised this issue in every other workshop on Loop issues. Thus, to the extent access to LFACs was not raised in Arizona, it was due to oversight on the part of AT&T – not because this was not an issue of concern in Arizona or because AT&T chose not to do so, as Qwest suggests.

The access to LFACs issue came up for the first time in the Multistate workshop that was held two weeks prior to the Arizona Loops followup workshop. It came up as Qwest and the parties engaged in more detailed discussions about Qwest's Raw Loop Data Tool and the CLEC's view of its limitations. As AT&T has asserted in other jurisdictions, CLECs should be provided with direct access to any database, including LFACs, that contains information regarding Qwest's loop plant so that they can determine, among other things, the extent to which Qwest has facilities in locations where the CLEC seeks to provision service to customers and to determine if those facilities are capable of providing the services the CLEC

seeks to provide or the customer is demanding. Such access is also necessary for the CLEC to determine whether spare facilities, including “fragments” of loops, can be made available by Qwest so that CLECs can “build” a loop using spare feeder and distribution facilities, where stand-alone loop facilities don’t otherwise exist. The provision of services in areas where Qwest has deployed IDLC demonstrates why access to this information is necessary. Access to loop qualification information as part of the pre-ordering functionality of OSS is required by the FCC. The FCC has not limited that access to databases or systems that are available to Qwest’s retail employees. Rather, the FCC has said that RBOCs “must provide carriers with the same underlying information that it has in any of its own databases or internal records.”¹ The FCC explained that “the relevant inquiry is not whether [the RBOC’s] retail arm has access to such underlying information but whether such information exists anywhere in [the RBOC’s] back office and can be accessed by any of [the RBOC’s] personnel.”² Moreover, the RBOC “may not ‘filter or digest’ the underlying information and may not provide only information that is useful in the provision of a particular type of xDSL that [the RBOC] offers.”³

¹ *In the Matter of Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Kansas and Oklahoma*, Memorandum Opinion and Order, CC Docket No. 00-217, FCC 01-29, ¶ 121 (released January 22, 2001) (“*BellSouth Kansas/Oklahoma 271 Order*”); *In the Matter of Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions) And Verizon Global Networks Inc., For Authorization to Provide In-Region, InterLATA Services in Massachusetts*, Memorandum Opinion and Order, CC Docket No. 01-8, FCC 01-130, ¶ 54 (released April 16, 2001) (“*Massachusetts Verizon 271 Order*”); *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order, CC Docket No. 96-98, FCC 99-238, ¶¶ 427 and 430 (released November 5, 1999).

² *Id.*

³ *Id.*

Because of the timing of these workshop discussions, the LFACs issue was not identified as an issue on the Arizona Loops Issues list. AT&T has done its best to accommodate Qwest's desire to complete these workshops in an expeditious manner. However, this has resulted in rushing through a multitude of issues in a short period of time. It is inevitable that issues may be inadvertently omitted, particularly where the issue is not included on the issues list, and where numerous issues were addressed in a fairly disjointed fashion, as was the case in the Arizona Loops workshop because of parties' schedules. As a result, AT&T did not realize that this issue was not addressed in Arizona. Rather, it was mere oversight on AT&T's part, as is evidenced by the fact that this issue has been raised by AT&T in every Loop workshop held since the Arizona followup. In addition, AT&T would note that this is not simply an AT&T issue. Covad and WorldCom have both joined AT&T in this request in other Loop workshops.

It is certainly not AT&T's intention to deprive Qwest of the opportunity to brief this issue. Nor is it AT&T's intent to delay the process or otherwise prejudice Qwest. However, the solution is not to ignore a known issue. The solution is to quickly develop an appropriate record and brief the issue and allow the Arizona Commission to address this issue before Qwest files its application with the FCC. Because this issue has been addressed in every other jurisdiction to date, AT&T recommends that the discussions on this issue from the Multistate and Colorado be incorporated into the record in Arizona and be used for purposes of briefing and resolving this issue, in the same way that the Multistate record on Spectrum Management has been incorporated into the record in

Arizona.⁴ This will minimize any delay and will not prejudice Qwest, since Qwest participated in both workshops and submitted briefs in both workshops on this issue.

CONCLUSION

For all the reasons set forth herein, AT&T urges that the discussion relating to access to IDLC not be stricken from AT&T's Brief and that the issue of access to Qwest's LFACs or other appropriate databases be considered in Arizona in the manner proposed by AT&T.

DATED this 20th day of July, 2001.

**AT&T COMMUNICATIONS
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⁴ AT&T recommends that both the Multistate and Colorado transcript be incorporated because AT&T developed the most complete record on this issue in the Multistate, however, Covad and WorldCom are not actively participating in the Multistate.

CERTIFICATE OF SERVICE

I certify that the original and 10 copies of AT&T and TCG Phoenix's Response to Qwest's Motion to Strike in Docket No. T-00000A-97-0238 were sent by overnight delivery on July 20, 2001 to:

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